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FEB 02 2007

USSN 10/666,384
YOKOYAMA *et al.*

REMARKS

Claim 1 is submitted for examination. Claims 10-11 and 13-18 are deleted without disclaimer or prejudice. Claims 2-18 are canceled *in toto*.

Pursuant to an in-person Interview of January 10, 2007, the Examiner indicated that pending claim 1 is provisionally allowed without further amendment. That indication of allowability is acknowledged with appreciation.

The deletion of remaining claims 10-11 and 13-18 is made to advance prosecution. Applicants retain the right to pursue the subject matter of the canceled claims in continuations.

The application is in condition for allowance.

Accordingly, the Examiner is respectfully requested to pass the application to issue.

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1. Rejection of Claims 1, 10-11, 13-18
under 35 U.S.C. § 102(b)

The Office Action maintained the rejection of claims 1, 10-11 and 13-18 under 35 U.S.C. § 102(b) as being unpatentable by JP 11-335267 ("Ichiro *et al.*").

However, Ichiro *et al.* does not anticipate the presently claimed "composition" of claims 10 and 15-18 because the reference is inoperative as shown by the previously submitted § 1.132 declaration. The presently claimed drug-encapsulated polymeric micelle cannot be manufactured from a water-scarcely soluble drug and PEG-P (Asp, BLA) in accordance with the method taught by Ichiro *et al.* Moreover, Ichiro *et al.* teaches a block polymer different from that of the claimed invention.

However, since the rejected claims 10 and 15-18 have been canceled, the rejection is moot. Nonetheless, for purposes of continuation practice, the arguments presented in the previous Response of October 23, 2006, are incorporated herein by reference.

Respectfully submitted,

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